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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
Elizabeth BAGLEY, et al.	:	Confirmation Number: 5361
	:	
Application No.: 10/714,690	:	Group Art Unit: 2626
	:	
Filed: November 17, 2003	:	Examiner: P. Shah
	:	
For: SELF-CONFIGURING KEYWORD DERIVATION	:	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed June 19, 2008, wherein Appellants appeal from the Examiner's rejection of claims 1-12.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on February 15, 2006, at Reel 017261, Frame 0241.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-12 are pending and three-times rejected in this Application. It is from the multiple rejections of claims 1-12 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Third and Final Office Action dated March 19, 2008 (hereinafter the Third Office Action).

V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Figure 1 and also to independent claim 1, a keyword generation system is disclosed. The system includes a content parser, a dictionary, a list of keyword candidates, and a keyword generation process. The content parser is configured to parse individual words and phrases in a selected portion 130 of content 110 (lines lines 6-8 of paragraph [0022]). The dictionary 150 of words and phrases is specific to a particular domain associated with the content 110 (lines 5-8 of paragraph [0016]). The list 160 of keyword candidates comprises a plurality of words and phrases specific to the particular domain, and the counter is included for each of the words and phrases in the list 150 (lines 6-9 of paragraph [0017]). The keyword generation process 200 is both coupled to each of the content parser, dictionary 150, the list 160, and the counter (lines 2-4 of paragraph [0016]). The keyword generation process 200 also (i) identifies the words and phrases specific to the particular domain in the selected portion 130 of content 110 (lines 2-4 of paragraph [0017]), (ii) writes the identified words and phrases to the list 160 of keyword candidates (lines 5-7 of paragraph [0017]), (iii) increments the counter for each of the words and phrases in the list 160 each time the keyword generation process 200 locates each of

the words and phrases in the selected portion 130 of content 110 (lines 7-9 of paragraph [0017]), and (iv) selects one or more of the words and phrases in the list 160 as keywords 170 for the content 110 based upon the counter for each of the words and phrases in the list 160 (lines 2-5 of paragraph [0021]).

Referring to Figure 2A and also to independent claim 3, a keyword generation method is disclosed. In blocks 215, 220, words and phrases in a selected portion of content are located with the words and phrases being specific to a particular domain (lines 1-3 of paragraph [0023]). In block 225, a single instance of each of the located words and phrases is added to a list of keyword candidates (lines 3-4 of paragraph [0023]). In block 230, for each located word and phrase which already had been added to the list of keyword candidates, a counter associated with the located word and phrase is incremented (lines 4-5 of paragraph [0024]). In block 255, keywords from the list of keyword candidates are selected based upon words and phrases in the list having a highest counter value (lines 4-7 of paragraph [0028]).

Referring to Figure 2A and also to independent claim 3, a machine readable storage having stored thereon a computer program for keyword generation is disclosed. The computer program comprises a routine set of instructions which when executed by the machine cause the machine to perform the following steps. In blocks 215, 220, words and phrases in a selected portion of content are located with the words and phrases being specific to a particular domain (lines 1-3 of paragraph [0023]). In block 225, a single instance of each of the located words and phrases is added to a list of keyword candidates (lines 3-4 of paragraph [0023]). In block 230, for each located word and phrase which already had been added to the list of keyword candidates, a counter associated with the located word and phrase is incremented (lines 4-5 of paragraph [0024]). In block 255, keywords from the list of keyword candidates are selected

- 1 based upon words and phrases in the list having a highest counter value (lines 4-7 of paragraph
- 2 [0028]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claim 1 was rejected under 35 U.S.C. § 103 for obviousness based upon Kiyama et al. U.S. Patent No. 5,642,518 (hereinafter Kiyama), in view of Ho et al., U.S. Patent No. 6,571,240;
2. Claims 3, 7-8, and 12 were rejected under 35 U.S.C. § 103 for obviousness based upon Kiyama;
3. Claim 2 was rejected under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Ho and Hita et al., U.S. Patent No. 6,081,774 (hereinafter Hita);
4. Claims 4 and 9 were rejected under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Hita; and
5. Claims 5-6 and 10-11 were rejected under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Yoshimi et al., U.S. Patent No. 6,374,209 (hereinafter Yoshimi).

VII. ARGUMENT

THE REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON

KIYAMA IN VIEW OF HO

For convenience of the Honorable Board in addressing the rejections, claim 1 stands or falls alone.

Claim 1

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness."¹ The legal conclusion of obviousness is based on underlying findings of fact including the scope and content of the prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the pertinent arts.² "Secondary considerations such as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented."³ Therefore, to properly make a finding of obviousness, a comparison between the applied prior art and the claims at issue must be made to ascertain the differences between what is being claimed and the teachings of the applied prior art. Moreover, before making a proper comparison between the claimed invention and the prior art, the language of the claims must first be properly construed.⁴

¹ *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)).

² *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007).

³ *Id.* (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)).

⁴ See *In re Paulsen*, 30 F.3d 1475, 1479 (Fed. Cir. 1994); see also *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567-68 (Fed. Cir. 1987) (In making a patentability determination, analysis must begin with the question, "what is the invention claimed?" since "[c]laim interpretation, . . . will normally control the remainder of the decisional process"); see *Gechter v. Davidson*, 116 F.3d 1454, 1460 (Fed. Cir. 1997) (requiring explicit claim construction as to any terms in dispute).

On page 3 of the Second Response dated January 30, 2008 (hereinafter the Second Response), Appellants presented the following arguments. In the first full paragraph on page 4 of the Second Office Action,⁵ the Examiner asserted the following:

However, Kiyama *et al* does not specifically teach the dictionary specific to a particular domain.

This characterization of the teachings of Kiyama is incomplete. As claimed, not only is the dictionary specific to a particular domain, the particular domain is also associated with the content, and this feature is not taught by Kiyama. Moreover, the dictionary is of words and phrases, and this feature is also not taught by Kiyama. Still further, the list of keyword candidates comprises a plurality of words and phrases, yet Kiyama only describes words. Moreover, the list of keyword candidates is also specific to a particular domain, which is also not disclosed by Kiyama. Therefore, the Examiner has failed to properly characterize the differences between the claimed invention and Kiyama.

The Examiner did not specifically address any of these arguments as to claim 1. Instead, the Examiner only addressed one of the above arguments as it pertains to claim 3. Specifically, the Examiner asserted the following:

As to the second argument regarding claims 3 and 8, the Applicants argue that Kiyama does not teach the "phrases" being included or the "selected portion." The Examiner traverses this rejection. In the former argument that phrase is not taught in cited reference is traversed, the broad definition of the word phrase extracted from the WordNet Princeton dictionary yields (<http://worldnet.princeton.edu/perl/webwn?s=phrase>) yields a phrase is a expression consisting of one or more words...). Hence, the cited reference does teach the locating of words and phrases (see col. 4, lines 58-62, words).

Appellants respectfully submit that the Examiner's reliance upon a dictionary definition of "phrase" is misplaced. Extrinsic evidence (e.g., dictionary) is unlikely to result in a reliable

⁵ See also page 8 of the Third Office Action.

interpretation of patent claim scope unless considered in the context of the intrinsic evidence.⁶ The court in Phillips stated: "different dictionaries may contain somewhat different sets of definitions for the same words. A claim should not rise or fall based upon the preferences of a particular dictionary editor, or the court's independent decision, uninformed by the specification, to rely on one dictionary rather than another."⁷ For example, another definition⁸ of "phrase" is:

1. a sequence of two or more words arranged in a grammatical unit and lacking a finite verb or such elements of clause structure as subject and verb, as a preposition and a noun or pronoun, an adjective and noun, or an adverb and verb, esp. such a construction acting as a unit in a sentence. (emphasis added)

Thus, the extrinsic evidences illustrates that different meanings exist for the word "phrase."

One well-known canon of claim construction is that different words have different meanings. In this regard, Applicants note that the claim limitation at issue is not simply for the word "phrase" but "a dictionary of *words and phrases*." Thus, in construing the word "phrase," consideration must also be given to the context of the word "phrase" in the clause "words and phrases." Specifically, the clause "words and phrases" describes two different elements: words and phrases.

By analogy, even if the claim recited "words and WXYZ," a proper claim construction would recognize that WXYZ does not encompass words, otherwise the inclusion of the term "words" would be redundant. Similarly, the term "phrases" excludes "words." Otherwise, if the Examiner's claim construction is employed, the expression "phrases" would be construed identically to "words and phrases," which, in essence, improperly ignores the limitation of "words and" within the expression "words and phrases."

⁶ Phillips v. AWH Corp., 415 F.3d 1303, 1319 (Fed. Cir. 2005) (en banc).

⁷ Id. at 1322.

⁸ Webster's College Dictionary, Random House, 1995, pg. 1018.

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2 By looking at the intrinsic evidence (e.g., the context in which the expression is being
3 used within the claim), Appellants' position is that the Examiner's claim construction is not
4 reasonable. Since the Examiner's rejection is dependent upon the Examiner's proposed claim
5 construction, by failing to properly construe the language of the claims, the Examiner has also
6 failed to establish that the applied prior art teaches the limitations for which the Examiner is
7 relying upon the prior art to teach.

8
9
10 On page 4 of the Second Response, Appellants presented the following arguments with
11 regard to the Examiner's obviousness analysis. The Examiner's asserted motivation for the
12 combination (i.e., "for reduction in memory as would be apparent to one skilled in the art") is
13 completely unsupported by the teachings of the applied prior art. A discussion of "reduction is
14 memory" is nowhere to be found in the teachings of Ho. Moreover, the teachings of Ho actually
15 teach the opposite. Specifically, referring to Fig. 4 and column 6, lines 31-36, Ho describes the
16 use of three separate dictionaries (i.e., a common dictionary 202, a negative dictionary 204, and a
17 domain-specific dictionary 206), which would increase the amount of memory needed, as
18 compared to the "keyword-negligible word dictionary d" taught by Kiyama. Since the
19 Examiner's proposed common sense rationale for modifying Kiyama in view of Ho is not
20 supported by the teachings of the applied prior, Appellants must presume that the Examiner's
21 only rationale for combining the applied prior art in the manner suggested was based upon
22 impermissible hindsight reconstruction based upon the teachings of Appellants' disclosure.

The Examiner's response to these arguments is found in the paragraph spanning pages 2 and 3 of the Third Office Action and is reproduced below:

The Examiner withdraws the motivation for reduction in memory but maintains the motivation that quicker retrieval and an appropriate response based on the category is retrieved (see Ho col. 2, lines 10-40). Hence, the combination of Kiyama in view of Ho teaches the cited limitations of claim 1. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The Examiner's citation of In re McLaughlin does not address Appellants' contention that the Examiner's proposed obviousness analysis appears to be solely based upon hindsight reconstruction.

The Examiner's new alleged rationale for the combination is the benefit of "quicker retrieval." However, the quicker retrieval described by Ho relates to helping a search engine respond to a user's question (see the Examiner's cited passage within Ho of column 4, lines 20-23). Such a benefit, however, does not apply to the primary reference of Kiyama. The "general dictionary" of Kiyama is used to identify words in text (see column 4, lines 58-63). A content-based dictionary, however, would include a reduced number of words. This reduced number of words might be useful in providing quicker retrieval based upon a content-related query to a search engine. However, when the dictionary is used to identify words in a text, the absence of certain words in the context-base dictionary would lead to certain words of the text not being identified. If these certain words of the text were not identified, based upon the teachings of Kiyama, these words could not be classified. Thus, the Examiner's proposed modification would reduce the capabilities of Kiyama's system, and thus, Appellants' position is that such a modification would not have been obvious to one having ordinary skill in the art.

THE REJECTION OF CLAIMS 3, 7-8, AND 12 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS

BASED UPON KIYAMA

For convenience of the Honorable Board in addressing the rejections, claims 3, 7-8 and 12 stand or fall together with independent claim 1.

Claims 3 and 8

On page 7 of the Third Office Action, the Examiner asserted the following with regard to the teachings of Kiyama:

locating words and phrases (see col. 4, lines 58-60) in a selected portion of content (see Figure 3, obtain data of one text sequence 12), said words and phrases being specific to a particular domain (see col. 1, lines 4-5) (e.g. In the reference that keywords associated with a domain type is extracted and is thus specific to a particular domain depending on the word detected).

Appellants respectfully disagree with the Examiner's analysis. Although the Examiner asserts that column 4, lines 58-60 discloses the claimed "locating words and phrases," Appellants do not agree. This passage cited by the Examiner refers to "words" but not "phrases." Moreover, Fig. 3 does not refer to a "selected portion" of content. Regarding the claimed "said words and phrases being specific to a particular domain," Appellants incorporate herein, as also applying to the present rejection, the arguments previously presented with regard to similar terminology found in claim 1. The Examiner further responded to certain of these arguments on page 3 of the Third Office Action. However, Appellants have already addressed the application of these arguments with regard to independent claim 1.

Therefore, for the above-described reasons, Appellants respectfully submit that the imposed rejection of claims 3, 7-8, and 12 under 35 U.S.C. § 103 for obviousness based upon

Kiyama is not viable.

**THE REJECTION OF CLAIM 2 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON
KIYAMA IN VIEW OF HO AND HITA**

For convenience of the Honorable Board in addressing the rejections, claim 2 stands or falls together with independent claim 1.

Claim 2 depends from independent claim 1, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Ho. The tertiary reference to Hita does not cure the argued deficiencies of the combination of Kiyama and Ho. Accordingly, even if one having ordinary skill in the art were motivated to modify the combination of Kiyama and Ho in view of Hita, the proposed combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claim 2 under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Ho and Hita is not viable.

**THE REJECTION OF CLAIMS 4 AND 9 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED
UPON KIYAMA IN VIEW OF HITA**

For convenience of the Honorable Board in addressing the rejections, claims 4 and 9 stand or fall together with independent claim 3.

Claims 4 and 9 respectively depend from independent claims 3 and 8, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims

3 and 8 under 35 U.S.C. § 103 for obviousness based upon Kiyama. The secondary reference to Hita does not cure the argued deficiencies of Kiyama. Accordingly, even if one having ordinary skill in the art were motivated to modify the combination of Kiyama in view of Hita, the proposed combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claims 4 and 9 under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Hita is not viable.

**THE REJECTION OF CLAIMS 5-6 AND 10-11 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS
BASED UPON KIYAMA IN VIEW OF YOSHIMI**

For convenience of the Honorable Board in addressing the rejections, claims 6 and 10-11 stand or fall together with dependent claim 5.

On pages 8 and 9 of the Second Response, Appellants presented the following arguments. On page 9 of the Second Office Action,⁹ the Examiner asserted the following:

However, Kiyama *et al.*, does not specifically teach the detecting a variation in font attributes.

Yoshimi *et al.* does teach the detecting of words based upon font attributes (see col. 13, lines 1-35, character ornament, style and size is detected for important word).

It would have been obvious to one of ordinary skilled in the at the time the invention was made to have modified the key word generation taught by Kiyama *et al.* with the inclusion of font detection as taught by Yoshimi *et al.* The motivation to have combined the two references involves the distinction between important words and unimportant words comparing other words in the text [see Yoshimi *et al.*, col. 13, lines 1-35) for faster retrieval of possible keywords, which benefits the keyword generation presented by Kiyama *et al.* by detecting keywords denoted by font to be important as an alternative method for keyword detection.

Appellants respectfully submit that the Examiner's proposed combination is not supported by the teachings of Kiyama and Yoshimi. Yoshimi describes locating words based upon font attributes for the purpose of analyzing text structure. This is not comparable to generating a list of keywords for particular content. Also, although the Examiner asserts that Yoshimi distinguishes

⁹ These exact same arguments are also found on pages 11 and 12 of the Third Office Action.

between important words (i.e., allegedly those words with a variation in font attributes) and unimportant words, the Examiner has failed to establish that one having ordinary skill in the art, based upon the teachings of Kiyama, would consider that distinguishing words or phrases by importance would be valuable.

Based upon the teachings of Kiyama, apparently all of the words within the content are parsed and the results stored in a word partition table b (see column 4, lines 61-63). Thus, all the words in the content are already added to "said list of keyword candidates." Since, as taught by Kiyama, all the words in the content are added the list of keyword candidates, there would be no need to "[select] a string in said selected portion of content affect by said variation," as claimed, and "[add] said string to said list of keyword candidates." To do so would be redundant, and thus not obvious.

The Examiner's response to these arguments is found on page 4 of the Third Office Action and is reproduced below:

In the proposed combination of Kiyama in view of Yoshimi, Yoshimi presents the detection of variation in font attributes for location of important words (see col. 13, lines 1-35). The result is then stored. Kiyama would benefit from the teachings of Yoshimi in order to determine the keyword candidates. Referring to the Kiyama reference, in col. 4 lines 58- 64, text is divided and looked up in a dictionary before being registered in a word partitioning table. However, Yoshimi teaches an alternative method of detecting words, aside from using a dictionary to detect important words. In col. 9, lines 42-48, dictionary is used to detect important words based on parts of speech. However, as described in col. 12, lines 45-col. 13, lines 35, an alternative recognizing of important words is shown, namely font attributes. Hence, The combination of Kiyama in view of Yoshimi would have been obvious to one skilled in the art to detecting keywords based on font characteristics.

The Examiner's analysis both ignores Appellants' prior arguments and misstates the teachings of the prior art. In particular, the Examiner is improperly blurring the teachings as to detecting words and detecting important words.

As already discussed in Appellants' original argument, Kiyama identifies all words. The dictionary referred to by the Examiner is used by Kiyama to confirm that that the portion of text data is a word. Contrary to the Examiner's assertion, Yoshimi does not teach an *alternative* method of detecting words. Instead, Yoshimi teaches a method of detecting important words. However, as already argued, Kiyama is indifferent to *important* words since all words are considered by Kiyama. To modify Kiyama in view of Yoshimi would be to add complexity without any benefit.

Appellants also notes that the Examiner does not even establish a rationale why one having ordinary skill in the art would have been realistically impelled to modify Kiyama in view of Yoshimi. Instead, the Examiner merely states that Yoshimi is an alternative. Although the Examiner asserts on page 11 of the Third Office Action that the benefit would be "for faster retrieval of possible keywords," the Examiner has failed to produce any substantial evidence to support such an allegation. Not only has the Examiner failed to produce any substantial evidence, the Examiner has not even set forth a reasoned explanation as to why one having ordinary skill in the art would have had an expectation of success in realizing a substantial benefit from the modification. Since Kiyama already teaches identifying all the words, the Examiner's proposed modification would appear to slow down Kiyama by adding additional steps.

Therefore, for the reasons presented above, Appellants respectfully submit that the imposed rejection of claims 5-6 and 10-11 under 35 U.S.C. § 103 for obviousness based upon Kiyama in view of Yoshimi is not viable.

1 Conclusion

2 Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections
3 under 35 U.S.C. § 103 based upon the applied prior art is not viable. Appellants, therefore,
4 respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: June 19, 2008

Respectfully submitted,

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CUSTOMER NUMBER 46320

VIII. CLAIMS APPENDIX

1. A keyword generation system comprising:

a content parser configured to parse individual words and phrases in a selected portion of content;

a dictionary of words and phrases specific to a particular domain associated with said content;

a list of keyword candidates comprising a plurality of words and phrases specific to said particular domain;

a counter for each of said words and phrases in said list; and,

a keyword generation process both coupled to each of said content parser, dictionary, said list, and said counter and also programmed to identify said words and phrases specific to said particular domain in said selected portion of content, to write said identified words and phrases to said list of keyword candidates, to increment said counter for each of said words and phrases in said list each time said keyword generation process locates each of said words and phrases in said selected portion of content, and to select one or more of said words and phrases in said list as keywords for said content based upon said counter for each of said words and phrases in said list.

2. The system of claim 1, further comprising a list of common words coupled to said keyword generation process.

3. A keyword generation method comprising the steps of:

locating words and phrases in a selected portion of content, said words and phrases being specific to a particular domain;

adding a single instance of each of said located words and phrases to a list of keyword candidates;

for each located word and phrase which already had been added to said list of keyword candidates, incrementing a counter associated with said located word and phrase; and,

selecting keywords from said list of keyword candidates based upon words and phrases in said list having a highest counter value.

4. The method of claim 3, further comprising the step removing from consideration from said selected portion of content each of every word and phrase in said list of keyword candidates and words and phrases which are common in nature.

5. The method of claim 3, further comprising the steps of:

detecting a variation in font attributes in said selected portion of content;

selecting a string in said selected portion of content affected by said variation; and,

adding said string to said list of keyword candidates.

6. The method of claim 5, further comprising the step of subsequently identifying said string as a word and phrase which is specific to said particular domain.

7. The method of claim 3, further comprising the step of repeated performing the locating, adding and incrementing steps for selected chunks of said selected portion of content until no content remains to be processed.

8. A machine readable storage having stored thereon a computer program for keyword generation, the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of:

locating words and phrases in a selected portion of content, said words and phrases being specific to a particular domain;

adding a single instance of each of said located words and phrases to a list of keyword candidates;

for each located word and phrase which already had been added to said list of keyword candidates, incrementing a counter associated with said located word and phrase; and,

selecting keywords from said list of keyword candidates based upon words and phrases in said list having a highest counter value.

9. The machine readable storage of claim 8, further comprising the step removing from consideration from said selected portion of content each of every word and phrase in said list of keyword candidates and words and phrases which are common in nature.

10. The machine readable storage of claim 8, further comprising the steps of:
detecting a variation in font attributes in said selected portion of content;
selecting a string in said selected portion of content affected by said variation;

adding said string to said list of keyword candidates.

11. The machine readable storage of claim 10, further comprising the step of subsequently identifying said string as a word and phrase which is specific to said particular domain.

12. The machine readable storage of claim 8, further comprising the step of repeated performing the locating, adding and incrementing steps for selected chunks of said selected portion of content until no content remains to be processed.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.